

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

MAY 23 2018

Clerk, U S District Court  
District Of Montana  
Billings

ROBERT A. EATON,

Plaintiff,

vs.

MONTANA SILVERSMITHS,

Defendant.

CV 18-65-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on April 24, 2018. (Doc. 3). The Magistrate recommended that Eaton's motion to proceed *in forma pauperis* be denied and that this action be dismissed without prejudice. (Doc. 3 at 3).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 3) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Plaintiff's motion to proceed *in forma pauperis* is DENIED (Doc. 1) and this action is DISMISSED without prejudice. The Clerk of Court is directed to close this case, unless, within 30 days of today's date, Eaton pays the full \$400.00 filing fee to the Clerk of Court. If Eaton pays the full fee as permitted herein, the Clerk of Court should file the lodged Complaint (Doc. 2).

DATED this 22<sup>nd</sup> day of May 2018.

  
\_\_\_\_\_  
SUSAN P. WATTERS  
United States District Judge